

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF NEW YORK MELLON,

Plaintiff

v.

AZURE ESTATES OWNERS
ASSOCIATION, et al.,

Defendants

Case No.: 2:17-cv-00980-APG-DJA

**Order (1) Dismissing Crossclaim Against
NAS and (2) Extending Deadline to Move
for Default Judgment Against Azure**

I previously ordered cross-claimant Ricardo Fojas to show cause why his crossclaim against Nevada Association Services, Inc. (NAS) should not be dismissed because he did not serve NAS with the crossclaim as required under Federal Rules of Civil Procedure 4 and 5 and has taken no action to prosecute his crossclaim against NAS. ECF No. 100. Fojas responds that NAS defaulted before he appeared in this case. However, that was related to the plaintiff's complaint, not Fojas's crossclaim. *See* ECF No. 27. Fojas has not prosecuted his crossclaim against NAS. Indeed, he admits he did not even realize NAS was still a party to the case until I pointed it out. ECF No. 107 at 2-3. I therefore dismiss the crossclaim against NAS for failure to prosecute. I grant Fojas's request for additional time to file his motion for default judgment against cross-defendant Azure Estates Owners Association.

I THEREFORE ORDER that cross-claimant Ricardo Fojas's crossclaim against cross-defendant Nevada Association Services, Inc. is dismissed for failure to prosecute. The clerk of court is instructed to terminate Nevada Association Services, Inc. as a party to this case.

I FURTHER ORDER that the deadline for cross-claimant Ricardo Fojas to move for default judgment against cross-defendant Azure Estates Owners Association is extended to

1 August 7, 2020. Failure to file a motion for default judgment will result in dismissal of the
2 crossclaim with prejudice.

3 DATED this 17th day of July, 2020.



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5 ANDREW P. GORDON
6 UNITED STATES DISTRICT JUDGE
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